

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

The Trustees of the Sheet Metal
Local #10 Control Board Trust Fund,

Civil 10-1053 JNE/FLN

Plaintiffs,

v.

O R D E R

Performance Contractors LLC,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated October 15, 2010, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiffs' Motion for Default Judgment and Injunction [#8] is **GRANTED**.
2. Performance Contractors is ORDERED to submit accurate fringe benefit reports for the months of March 2010 through August 2010, and any other fringe benefit reports that may become due during the pendency of this litigation, that correctly identify the hours worked by its employees pursuant to the Collective Bargaining Agreement.
3. Performance Contractors is required to submit the required reports to the Control Board at 1681 Cope Avenue, Suite B, Maplewood, MN 55109-2631 within ten (10) days of the date on which it is served with a copy of this Order.
4. There being no just reason for delay, the Court orders entry of judgment on the foregoing injunction pursuant to Fed. R. Civ. P. 54(b).

5. The Court further DECLARES that Performance Contractors is liable to the Control Board for:

a. Delinquent contributions, liquidated damages, and related interest charges due and owing for the months of February 2010 through August, 2010, and all other relevant months, pursuant to the Collective Bargaining Agreement; and

b. The Control Board's reasonable attorneys' fees and costs incurred in pursuing delinquent contributions.

6. The Court determines the amount of contributions, liquidated damages, related interest, and attorneys' fees and costs as follows:

a. After receiving the fringe benefit reports, the Control Board may file and serve a Motion for Entry of a Money Judgment in the amount the Control Board determines that Performance Contractors owes for delinquent contributions, liquidated damages, and related interest for the months of February 2010 through August, 2010, and all other relevant months, as well as reasonable attorneys' fees and costs.

b. Performance Contractors may then file and serve a response to the Control Board's Motion within ten (10) days of the date the Control Board's Motion is served.

c. The Court will examine the parties' submissions and issue an order for judgment as the Court deems appropriate. No hearing will be held unless the Court orders otherwise .

DATED: 11-15, 2010.
at Minneapolis, Minnesota

s/ Joan N. Ericksen
JUDGE JOAN N. ERICKSEN
United States District Court